

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:05cr30

UNITED STATES OF AMERICA,)	
)	
)	
vs.)	<u>ORDER</u>
)	
)	
ERICK LAQUIN LEE.)	
<hr style="width:50%; margin-left:0"/>)	

THIS MATTER is before the Court on the Defendant's motion for appointment of counsel [Doc. 37].

On May 1, 2012, the Court appointed the Federal Defenders of the Western District of North Carolina (FDWNC) to represent "any defendant previously determined to have been entitled to appointment of counsel, or who is now indigent," in order to determine whether that defendant may qualify for post-conviction relief pursuant to United States v. Simmons, 649 F.3d 237 (4th Cir. 2011), and if so, to assist the defendant in obtaining such relief. See In re: Motions for Post-Conviction Relief Pursuant to United States v. Simmons, No. 3:12mc92 (W.D.N.C. May 1, 2012). The record reflects that the Defendant was represented by retained counsel during his criminal proceedings. Thus, in order to be appointed counsel for the purpose of

obtaining post-conviction relief under Simmons, the Defendant must demonstrate that he is now indigent.

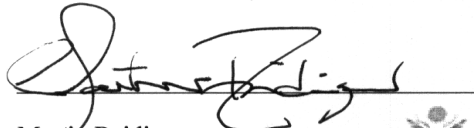
IT IS, THEREFORE, ORDERED that the Defendant's motion for appointment of counsel [Doc. 37] is **HELD IN ABEYANCE**.

IT IS FURTHER ORDERED that within thirty (30) days of the entry of this Order, the Defendant shall submit to the Court an Application to Proceed *In Forma Pauperis* in order to demonstrate his indigency.

The Clerk of Court is respectfully requested to send the Defendant an Application to Proceed *In Forma Pauperis* (Long Form) along with a copy of this Order.

IT IS SO ORDERED.

Signed: August 2, 2012


Martin Reidinger
United States District Judge

